The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 19

Filed by: Trial Section Merits Panel

Box Interference Washington, D.C. 20231

Tel: 703-308-9797 Fax: 703-305-0942 Filed 28 April 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

KENNETH J. McCLELLAN

Junior Party, (Patent 6,323,489 B1),

V.

BRUCE CHAI and YANGYANG JI

Senior Party, (Application 09/506,160).

Patent Interference No. 105,083

Before TORCZON, MEDLEY and NAGUMO, Administrative Patent Judges.

MEDLEY, Administrative Patent Judge.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of the McCLELLAN REQUEST FOR ENTRY OF ADVERSE

JUDGMENT (37 CFR § 1.662) (Paper 18), in which party McClellan requests adverse judgment against McClellan, it is

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PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES **ORDERED** that judgment on priority as to Count 1 (Paper 1, page 5), the sole count in the interference, is awarded against junior party Kenneth J. McClellan.

FURTHER ORDERED that junior party Kenneth J. McClellan is not entitled to a patent containing claims 1-10 (corresponding to Count 1) of U.S. patent 6,323,489.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/506,160 and U.S. Patent 6,323,489.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

) BOARD OF PATENT) APPEALS AND

INTERFERENCES

RICHARD TORCZON

Administrative Patent Judge

SALLY C. MEDLEY

Administrative Patent Judge

MARK NAGUMO

Administrative Patent Judge

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